AMENDMENTS

In the Claims:

1. (Currently Amended) An isolated nucleic acid molecule defining a promoter which confers ~~, activates~~ or enhances ~~expression of a structural gene or other nucleic acid~~ the ability of operably linked sequence to be expressed upon induction, wherein the promoter comprises ~~comprising~~ any one of:

(i) a sequence of nucleotides as set forth in SEQ ID NO:3 ~~or a functional fragment thereof~~;

(ii) a fragment of (i) wherein said fragment comprises residues of 2016 to 2384 of SEQ ID NO:3;

(iii) a sequence of nucleotides with at least [[90%]] 95% identity to the sequence of nucleotides of (ii); or

(iv) a sequence of nucleotides complementary to any one of (i), (ii) or (iii), ~~; or~~

~~(v) a sequence of nucleotides capable of hybridizing to any one of (i), (ii) or a complement thereof under high stringency conditions of hybridization and washing in 0.1 X SSC, 0.1% w/v SDS at 65°C,~~

wherein, in its native form, the promoter directs expression of a gene encoding 1-aminocyclopropane-1-carboxylic acid (ACC) synthase and is inducible in response to physical stimulation.

2-6. (Canceled)

7. (Currently Amended) An isolated promoter which confers ~~, activates~~ or enhances ~~expression of~~ the ability of operably linked sequence to be expressed upon induction, the operably linked sequence comprising a structural gene or other nucleic acid obtainable by the method of isolating genomic DNA from plant cells, rendering the genomic DNA or portion thereof single stranded and then identifying a region on the genomic DNA which hybridizes to a primer

corresponding to all or part of SEQ ID NO:1 or a complementary form thereof and cloning DNA upstream of the region of primer hybridization, wherein the promoter comprises any one of:

(i) a sequence of nucleotides as set forth in SEQ ID NO:3;

(ii) a fragment of (i) wherein said fragment comprises residues of 2016 to 2384 of SEQ ID NO:3 ~~or a functional fragment thereof~~;

(iii) a sequence of nucleotides with at least [[90%]] 95% identity to the sequence of nucleotides of (ii); or

(iv) a sequence of nucleotides complementary to any one of (i), (ii) or (iii), ~~; or~~

~~(v) a sequence of nucleotides capable of hybridizing to any one of (i), (ii) to a complement thereof under high stringency conditions of hybridization and washing in 0.1 [[2]] X SSC, 0.1% w/v SDS at 65°C,~~

wherein, in its native form, the promoter directs expression of a gene encoding 1-aminocyclopropane-1-carboxylic acid (ACC) synthase and is inducible in response to physical stimulation.

8. (Canceled)

9. (Previously Presented) The isolated promoter of claim 7 obtainable by the method of:

(i) amplifying a region of single stranded plant genomic DNA with the primers SEQ ID NO:4 and SEQ ID NO:5;

(ii) optionally amplifying the amplified DNA of (i) above with primers selected from SEQ ID NO:6 and SEQ ID NO:7 or SEQ ID NO:8 and SEQ ID NO:9;

(iii) running amplified DNA on a gel and excising the product of amplification; and

(iv) subcloning product and identifying the promoter.

10. (Canceled).

11. (Previously Presented) A genetic construct comprising the promoter of claim 1, 7, 9, 22, 23 or 24.

12. (Currently Amended) The genetic construct of claim 11, further comprising a structural or regulatory gene operably linked to said promoter.

13. (Currently Amended) A method of altering a characteristic of a plant, said method comprising:

introducing the genetic construct of claim 12 into a cell or group of cells of a plant, [[and]]

wherein said structural or regulatory gene facilitates the altering of said plant characteristic; [[,]]

regenerating a plant or plantlet from said cell or group of cells carrying said introduced structural or regulatory gene; and

growing or subjecting said plant or plantlet to conditions sufficient to induce the promoter operably linked to said structural or regulatory gene.

14. (Currently Amended) The method of claim 13, wherein the altered plant characteristic comprises resistance to a plant pathogen, altered nutritional characteristics, expression of a plantabody, an altered biochemical pathway, altered fertility ~~and/or~~ or altered flower color.

15. (Currently Amended) A modular promoter, comprising at least one portion which is obtained from a promoter, ~~comprising~~ wherein the at least one portion comprises any one of:

(i) a sequence of nucleotides as set forth in SEQ ID NO:3 ~~or a functional fragment thereof~~;

(ii) a fragment of (i) wherein said fragment comprises residues of 2016 to 2384 of SEQ ID NO:3.

(iii) a sequence of nucleotides with at least [[90%]] 95% identity to the sequence of nucleotides of (ii); or

(iv) a sequence of nucleotides complementary to any one of (i), (ii) or (iii), ~~; or~~

~~(v) a sequence of nucleotides capable of hybridizing to any one of (i), (ii) or a complement thereof under high stringency conditions of hybridization and washing in 0.1 X SSC, 0.1% w/v SDS at 65°C,~~

wherein, in its native form, the promoter directs expression of a gene encoding 1-aminocyclopropane-1-carboxylic acid (ACC) synthase and is inducible in response to physical stimulation.

16-18. (Canceled)

19. (Previously Presented) A transgenic plant comprising the nucleic acid molecule according to any one of claims 1 and 22 to 24.

20. (Previously Presented) A vegetative or reproductive portion of the transgenic plant of claim 19.

21. (Previously Presented) A cut or severed flower from the transgenic plant of claim 19.

22. (Currently Amended) The isolated nucleic acid molecule according to claim 1, wherein the ~~promoter directs expression of~~ ACC synthase comprises an amino acid sequence encoded by a nucleotide sequence as set forth in SEQ ID NO:1.

23. (Currently Amended) The isolated nucleic acid molecule according to claim 1, wherein the ~~promoter directs expression of~~ ACC synthase comprises an amino acid sequence encoded by a nucleotide sequence which hybridizes under stringency conditions of hybridization and washing in 2 X SSC, 0.1% w/v SDS at 45°C to a nucleotide sequence as set forth in SEQ ID NO:1.

24. (Currently Amended) The isolated nucleic acid molecule according to claim 1, wherein ~~promoter directs expression of a nucleotide sequence which encodes~~ ACC synthase comprises an amino acid sequence as set forth in SEQ ID NO:2.

25. (Canceled)

26. (New) The isolated nucleic acid molecule according to claim 1, wherein the promoter comprises a fragment comprising residues of 1773-2384 of SEQ ID NO:3.

27. (New) The isolated nucleic acid molecule according to claim 1, wherein the promoter comprises a fragment comprising residues of 1601-2384 of SEQ ID NO:3.

28. (New) The isolated nucleic acid molecule according to claim 1, wherein the promoter comprises a fragment comprising residues of 1357-2384 of SEQ ID NO:3.

29. (New) The isolated nucleic acid molecule according to claim 1, wherein the promoter comprises a fragment comprising residues of 1189-2384 of SEQ ID NO:3.

30. (New) The isolated nucleic acid molecule according to claim 1, wherein the promoter comprises a fragment comprising residues of 819-2384 of SEQ ID NO:3.

31. (New) The isolated promoter of claim 7, wherein the promoter comprises a fragment comprising residues of 1773-2384 of SEQ ID NO:3.

32. (New) The isolated promoter of claim 7, wherein the promoter comprises a fragment comprising residues of 1601-2384 of SEQ ID NO:3.

33. (New) The isolated promoter of claim 7, wherein the promoter comprises a fragment comprising residues of 1357-2384 of SEQ ID NO:3.

34. (New) The isolated promoter of claim 7, wherein the promoter comprises a fragment comprising residues of 1189-2384 of SEQ ID NO:3.

35. (New) The isolated promoter of claim 7, wherein the promoter comprises a fragment comprising residues of 819-2384 of SEQ ID NO:3.